

Fair Political Practices Commission
MEMORANDUM

To: Chairman Johnson, Commissioners Hodson, Huguenin, Leidigh and Remy
From: Whitney Barazoto, Government Affairs Director
Subject: Legislative Report¹
Date: January 31, 2008

Proposed Commission Policy on Legislation

At the request of Commissioner Remy, the Commission will consider adopting a policy to oppose any legislation that imposes costs on the Commission without including an appropriation in the bill. (Attachment 1)

Proposed Legislation for Commission Sponsorship

Below is a summary of the previously proposed legislative changes for 2008, and attached is background information and suggested language for each if the Commission chooses to move forward on either proposal. Item number three of the previous legislative report, relating to candidate committee naming requirements, has been removed from this list and may instead be pursued as a regulation.

Staff suggests requesting the introduction of at least one spot bill to be used as a vehicle for legislation that may arise from the informational hearing. Because language would be brought to the Commission before being placed into such a vehicle, the spot bills that appeared on the previous legislative report have also been removed from this list.

The 2008-09 Budget recently proposed by the Governor includes significant reductions to the State's operations, including the Commission. Any legislation that imposes additional costs to the State will face major obstacles during this legislative year, as evidenced by the Commission's consideration of a policy to oppose any legislation that imposes costs on the Commission. Both of the following two bill proposals will require some state funding to implement; therefore, staff recommends that the Commission not move forward with these two proposals this year, in light of the State's current fiscal condition.

1. Online Filing of Behested Payments

This proposal would require online filing of payments that are made at the behest of a candidate who is an elected officer and that are made principally for legislative, governmental, or charitable purposes. This would align the reporting of these "behested payments" with the filing of campaign statements so that information about both can be found in the same place. (Attachment 2)

2. Enhanced Disclosure of Late Contributions

This proposal would require campaign recipients to disclose on the late contribution report the total amount of all late contributions received from each donor as well as the

¹ At its public meeting, the Commission may discuss or take a position on any item included in this report.

total amount received by all donors during the late reporting period (the last 16 days before an election). It would also require contributors to disclose the total amount of all late contributions made to each recipient during the late reporting period. Such a total is now mandatory on most other reports filed prior to the last 16 days before an election; this proposal would extend that requirement to the late reporting period. (Attachment 3)

Continuing Legislation

AB 108 (Benoit) Aggregation of Contribution Limits

This bill would aggregate contribution limits in cases where a candidate is running for a state and local office simultaneously. Aggregation would not apply to candidate-controlled ballot measure committees.

Status: Senate Elections Committee

AB 357 (Mendoza) Legal Defense Funds

This bill would allow legal defense funds to be used to pay attorney's fees and costs related to election recounts and election contests.

Status: Senate Elections Committee

AB 583 (Hancock) Clean Money Act

This bill would enact the California Clean Money and Fair Elections Act of 2006, which would authorize eligible candidates for Governor and for one seat in each legislative house to obtain public funds to campaign for elective office.

Status: Senate Elections Committee

ACR 93 (Jeffries) Political Campaign Signs (Resolution)

This resolution would request the Fair Political Practices Commission, the League of California Cities, and the California State Association of Counties to jointly develop a model political campaign sign ordinance that could be adopted in local jurisdictions statewide.

Status: Introduced

SB 381 (Calderon) Behested Payments

This bill would extend the reporting deadline from 30 to 90 days and raise the reporting threshold from \$5,000 to \$7,000 for payments made at the behest of a candidate to a nonprofit or government organization for legislative, governmental, or charitable purposes. The bill would also exempt candidates from reporting when the candidate is mentioned in a press release or is listed among multiple names on a communication, when the candidate conducts an interview or public service announcement, or when a government agency made the payment.

Status: On Senate Floor (Inactive File)

SB 1100 (Battin) Conflicts-of-Interest

This bill makes technical, non-substantive changes to the Political Reform Act's conflict-of-interest provisions. It appears to be a spot bill.

Status: Introduced